

Of Plot to Run Guns to I.R.A.

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Five men charged with conspiring to smuggle weapons to the Irish Republican Army were acquitted in Federal Court in Brooklyn yesterday, apparently because a jury believed defense contentions that the Central Intelligence Agency had sanctioned their gun-running operation.

No evidence directly linking the C.I.A. to the operation was offered at the seven-week trial, and denials of involvement by the agency were entered repeatedly by the prosecutor and in direct testimony by a C.I.A. lawyer.

However, two jurors later said they had been convinced that the C.I.A. had been involved. They said that the jury, which deliberated for two and a half days, had leaned toward acquittal from the start. Prosecutors declined to comment on the verdict, but one said he feared it might lend legitimacy to a frivolous defense.

Pandemonium erupted among 100 supporters of the defendants when the verdict was read at midafternoon. The supporters, many of whom had been at the trial daily, cheered, clapped, waved flags and chanted slogans in a demonstration that spilled from Judge Joseph McLaughlin's sixth-floor courtroom into the corridors of the United States Courthouse on Cadman Plaza East.

'Up the Provos'

"Up the Provos," shouted George Harrison, a 67-year-old retired armored-car guard, who, with the other defendants, had been charged with plotting from December 1980 to June 1981 to ship to the I.R.A.'s militant Provisional wing a cache of weapons including a 20-millimeter cannon, a flame thrower, 47 machine guns and 11 automatic rifles.

Besides Mr. Harrison, the defend-

ants, all residents of the New York area, were Michael Flannery, 80, a director of the Irish Northern Aid Committee; Thomas Falvey, 64, a construction worker; Patrick Mullin, 45, a telephone company employee, and Daniel Gormley, 33, a stationary engineer. All are American citizens, though several were born in Ireland.

From the start of the trial, the defendants had conceded that they had bought arms from a convicted arms smuggler working as an undercover agent for the Federal Bureau of Investigation. Citing patriotic motives, they also acknowledged they had intended to send the arms to the I.R.A. Mr. Harrison said he had been sending arms to the I.R.A. for 20 years.

However, the defendants claimed that the undercover agent who sold them the arms, George DeMeo, was a clandestine C.I.A. operative, and that the C.I.A., which has a license to export weapons, had aided their operation in order to monitor the flow of arms to Ireland and to prevent the I.R.A. from turning to the Soviet Union for arms.

The prosecutor, David V. Kirby, an assistant United States Attorney, denied throughout the trial that the C.I.A. was involved, and at one point he warned the jury that the defense, with its frequent references to the C.I.A., was trying to turn the proceedings into a "political trial."

A C.I.A. attorney, Laurie Ziebell, testified that his agency had no involvement in the operation, nor any relationship with Mr. DeMeo, 48, of Yonkers, who was convicted in Raleigh, N.C., in 1980 of Federal charges of conspiring to send arms to the I.R.A. He was under a 10-year sentence in that case when he sold the defendants the arms last year.

Mr. DeMeo's purported relationship to the C.I.A. was not established during the trial as anything but a boast he had often made. The prosecution sought to focus attention in the trial on the gun charges, and Mr. Kirby, in his closing statement to the jury, said: "There's no C.I.A. involvement in this at all. It's a fabrication. They don't have any other defense."

"Each of these defendants was caught red-handed," Mr. Kirby said. "They didn't have anywhere else to turn."

However, in his closing argument, Michael Kennedy, one of seven defense attorneys, had contended, "It is up to the Government to prove that the C.I.A. was not involved with the defendants, not our burden to prove that it was."

The jury apparently accepted this line of reasoning. One juror, Theresa DePaolo of Brooklyn, was quoted by The Associated Press after the verdict yesterday as saying: "I think we firmly believed that the operation couldn't have gone on that long without government sanction."

Another juror, Lorraine Piccinonne of Brooklyn, was quoted by The Associated Press as having said: "I'm sure that there are many covert deals which the people do not know about. The C.I.A. does many things in many places."

The Irish Northern Aid Committee, in a statement afterward, called the verdict "a grave embarrassment to the British," whose "pressure initiated this trial." Noraid, as the committee is called, has been accused by the Justice Department of being an important source of money and guns for the I.R.A., but the group contends its fundraising efforts in the United States are strictly for charitable purposes.

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